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Dated: February 2, 2005      Signature: (Raymond W. Augustin)

Docket No.: SPINE 3.0-2678  
(PATENT)

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:  
Stephen Bresina

Application No.: 10/004,969

Group Art Unit: 3732

Filed: December 3, 2001

Examiner: P. Philogene

For: APPARATUS FOR FUSING ADJACENT  
BONE STRUCTURES

Commissioner for Patents  
P.O. Box 1450  
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Dear Sir:

It is respectfully requested that the references listed on the enclosed form be made of record and considered with respect to the above-referenced U.S. patent application. A copy of each reference is enclosed. Submission of the present Information Disclosure Statement should not be taken as an admission that the cited references are legally available prior art or that the same are pertinent or material.

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Dated: February 2, 2005

Respectfully submitted,

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PTO/SB/08a/b (08-03)

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| Substitute for form 1449A/B/PTO<br><br><b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b><br><i>(Use as many sheets as necessary)</i> |   |    |   | <b>Complete if Known</b> |                  |
| Sheet   | 1 | of | 1 | Application Number       | 10/004,969       |
|   |   |    |   | Filing Date              | December 3, 2001 |
|   |   |    |   | First Named Inventor     | Stephen Bresina  |
|   |   |    |   | Art Unit                 | 3732             |
|   |   |    |   | Examiner Name            | P. Philogene     |
|   |   |    |   | Attorney Docket Number   | SPINE 3.0-2678   |

| <b>U.S. PATENT DOCUMENTS</b> |                       |  |                                |  |   |
|------------------------------|-----------------------|--|--------------------------------|--|---|
| Examiner Initials*           | Cite No. <sup>1</sup> | Document Number                          | Publication Date<br>MM-DD-YYYY | Name of Patentee or<br>Applicant of Cited Document | Pages, Columns, Lines, Where<br>Relevant Passages or Relevant<br>Figures Appear |
|                              |                       | Number-Kind Code <sup>2</sup> (if known) |                                |  |   |
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| <b>FOREIGN PATENT DOCUMENTS</b> |                       |   |                                |  |   |
|---------------------------------|-----------------------|---|--------------------------------|--|---|
| Examiner Initials*              | Cite No. <sup>1</sup> | Foreign Patent Document   | Publication Date<br>MM-DD-YYYY | Name of Patentee or<br>Applicant of Cited Document | Pages, Columns, Lines,<br>Where Relevant Passages<br>or Relevant Figures Appear |
|                                 |                       | Country Code <sup>3</sup> -Number <sup>4</sup> -Kind Code <sup>5</sup> (if known) |                                |  |   |
| BA                              |                       | EP-0 880 950-A  | 12-02-1998                     | Biomat   |   |
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| <b>NON PATENT LITERATURE DOCUMENTS</b> |                       |   |  |  |                |
|--|-----------------------|---|--|--|----------------|
| Examiner Initials*                     | Cite No. <sup>1</sup> | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published. |  |  | T <sup>2</sup> |
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